

**MINUTES OF THE MEETING OF THE
UNIFORM COMMERCIAL CODE COMMITTEE
OF THE STATE BAR OF CALIFORNIA**

October 29, 2003
11:10 a.m. to 2:55 pm.

The October 29, 2003 meeting of the Uniform Commercial Code Committee (the "Committee") was called to order at approximately 11:10 a.m. with Andrew Erskine and Pauline Stevens presiding. The meeting took place at the Offices of the California Secretary of State in Sacramento.

A. Administrative Matters.

1. **Appointment of Secretary.** Stephan Eberle was appointed as the secretary for the meeting.

2. **Approval of October 1, 2003 Meeting Minutes.** The minutes of the October 1, 2003 meeting were approved in the form disseminated prior to the meeting, subject to a few minor editorial comments.

3. **Future Meeting Dates/Locations.** The Committee reconfirmed and established future meeting dates as follows:

January 6, 2004 (Tuesday), Videoconference, 9:30 a.m. at the offices of Morrison & Foerster in Los Angeles, San Francisco, Palo Alto and San Diego.

February 3, 2003 (Tuesday), Videoconference, 9:30 a.m. at the offices of Morrison & Foerster in Los Angeles, San Francisco, Palo Alto and San Diego.

B. Legislative Committee.

Marty Opich reported on the status of the Legislative Committee. Ms. Opich explained that he would like to set a more aggressive plan of action to track and report on proposed legislation and the Legislature's calendar of activities. In light of the need for possible assistance to implement the plan, Hugh Lawrence and Eric Baron volunteered to help.

Ms. Opich and Mr. Erskine suggested having a meeting before January to scope a plan for proposed 2004 legislation.

C. Report of the Article 7 Subcommittee.

Arnold Rosenberg reported on the status of the Article 7 Subcommittee. Mr. Rosenberg reported that the Subcommittee had distributed a revised version of the Revised Article 7 report, a copy of which had also been sent to Linda Rusch at NCCUSL. Ms. Rusch told Mr. Rosenberg

that the report looked fine. Mr. Rosenberg stated that there would be some additions to the Report concerning amendments to conform Article 7 to Articles 8 and 9.

Mr. Rosenberg asked if the finished report would need to go before the Executive Committee. Peter Szurley said that the report would need to go before only the Legislative Subcommittee.

Ms. Stevens and Mr. Erskine asked if there should be a “style” subcommittee to create consistency in the Committee’s products. Mr. Lawrence suggested that having an agreed upon style may be enough. The Committee members then discussed possible approaches to provide the members with guidance to create a standardized approach to the Committee’s products. The Committee did not reach a final decision.

D. Report of the Article 2 Subcommittee.

Mr. Erskine reported on behalf of Mark Spitzer who was not able to attend the meeting. Mr. Erskine reported that Mr. Spitzer and the Subcommittee have had several meetings and would meet again the week following the Committee meeting to move the project forward.

E. Report on Uniform Certificate of Title Act Subcommittee.

Konrad Schreier reported that Victoria Gilbert and he are working on a table to compare the differences between the NCCUSL proposal and the current California act. The Subcommittee’s plan is to have a draft report by the December meeting. Ms. Stevens suggested that the Subcommittee inform NCCUSL of any substantive comments or concerns as soon as possible.

F. Report of Opinion Subcommittee.

Pamela Martinson reported that the draft presented to the Committee earlier this year has been rewritten for style and substance. Brian Kilb has been added as a member of the Subcommittee.

G. Report of Article 3/4 Subcommittee

The Subcommittee reported that the revision of the report is proceeding.

H. Report on Website Review and Development Project.

Vasco Morais asked the Committee to check the information on the Committee roster to permit accurate information to be posted on the Committee’s website. Mr. Morais asked members to contact him if they have suggestions to the website. Some links members suggested were: California Bankers Association (www.calbankers.com), Commercial Finance Association (www.cfa.com), and American Bankers Association (www.aba.com).

Mr. Szurley stated that the Executive Committee is looking for revenue opportunities and is considering whether people should be charged for use of the various websites, especially for people

using the site who are not members of the Business Law group. Mr. Szurley asked that the Committee consider these ideas at future meetings.

I. Programs and Publications Report.

Ms. Stevens and Mr. Szurley reported that it is not clear what programs have been approved at this point for the Spring BLS Meeting. Two proposals by the Committee were: the new Secretary of State electronic filing system and recent changes to the UCC.

J. Report on Secretary of State Automated Filing System

Kathleen Vasquez and her team provided a summary of the status of the project, including the testing of the system and training for the various interested groups. Ms. Vaquez and her team provided the Committee with a live demonstration of the system.

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The meeting was adjourned at approximately 2:55 p.m.